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10/751,280

12/30/2003

Maer Skegin

DE063

2379

7590

07/13/2005

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/751,280

**Applicant(s)**

SKEGIN, MAER

**Examiner**

Mark Tsidulko

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-53 is/are allowed.
- 6) ☒ Claim(s) 1-10, 18-25, 27-32 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 11-17, 26, 33-36 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*rear compartment is an upward facing concave portion*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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### *Specification*

The disclosure is objected to because of the following informalities: *sleeve* (page 8, line 29) and *end connector* (page 9, lines 20, 21), both indicated with reference character “114”.

Appropriate correction is required.

### *Claim Objections*

Claim 2 is objected to because of the following informalities: the phrase “*between released condition and said open condition*” should be changed to “*between closed condition and open condition*”, because released and open conditions are the same.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Because Claims 21 and 22 are missed in disclosure, Claims 23-55 been renumbered to numbers from 21 to 53 accordingly. Claim 34 is objected to because of the following informalities: it is unclear what Applicant intends by “*housing top has a top, a housing front and a middle wall...*”. Appropriate correction is required.

Claim 6 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4. See MPEP § 608.01(n).

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 18, 28, 30-32, 41, 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Wedell et al. (US 6,419,378).

Referring to Claim 1 Wedell et al. disclose (Figs.1, 2) a light fixture including a housing [2] having a top, a front, a rear and opposite ends, a reflector [16] located under the tiop and facing an underside of the housing [2], a lamp socket [14] supported under reflector [16] and a translucent window panel [4] located under the reflector and hinged the housing for movement between closed and open positions permitting access to the socket.

Referring to Claims 2-5 Wedell et al. disclose (Figs.1, 2) the window panel [4] is hinged to the housing and slidable between a closed condition and a released condition and includes a spring latch [32] at the front edge for engagement with the housing in closed condition.

Referring to Claim 18 Wedell et al. disclose (Fig.2) a light fixture having a rear compartment [2] and a housing top of approximately equal length.

Referring to Claim 28 Wedell et al. disclose (Figs.1, 2) a light fixture including a housing [2] having a top, a front, a rear and opposite ends, a reflector [16] located under the tiop and facing an underside of the housing [2] and a lamp socket [14] supported under reflector [16]. Wiring is inherently provided for power supply.

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Referring to Claim 28 Wedell et al. disclose (Figs. 1, 2) a light fixture having a top panel, a sloping front portion and a middle wall (not indicated by numbers).

Referring to Claim 28 Wedell et al. disclose (Figs. 1, 2) a housing top is a downward facing concave portion.

Regarding claim(s) 28, 30-32, 43 please note, that the method of forming the device is not germane to the issue of patentability of the device itself. Even though the claim(s) are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, these (i.e. method) limitations has not been given patentable weight.

Referring to Claim 41 Wedell et al. disclose (Figs. 1, 2) a translucent window panel [4] located under the reflector and hinged the housing for movement between closed and open positions permitting access to the socket.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 21-25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378).

Referring to Claim 6, while Wedell et al. do not disclose that the window panel is released from the closed position by pressing towards the housing top, it will of course be understood, that any type of latch, well known in the art, may be used for the device without changing the functionality of the fixture.

Referring to Claims 21-23, 29 Wedell et al. disclose an electrical wiring (col.10, lines 29-32) from rear compartment through an opening [44] (Fig.2) connected to the lamp socket through the opening in the reflector and, as well known in the art, always connected to the switch regardless to switch location.

Regarding claim(s) 29 please note, that the method of forming the device is not germane to the issue of patentability of the device itself. Even though the claim(s) are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, these (i.e. method) limitations has not been given patentable weight.

Referring to Claims 24, 25, 39 Wedell et al. disclose (Fig.2) a plug [36] which is a female electrical connector. Since a male electrical connector is not shown, it is clearly understood, that only male electrical connector may be used for connection with female connector in order to

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supply an electrical power, of course in connection with a power cord. Also male [200] and female [220] connectors are shown on Fig.20.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the latch operated with pressing towards the housing top, in order to release the window panel from the closed condition.

Claims 7-9, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378) in view of Lowell et al. (US 5,188,443).

Wedell et al. discloses the instant claimed invention except for a ventilation slot.

Lowell et al. disclose a lighting device having a ventilation slot between panels (col.4, lines 32-36) for dissipating the heat from the light source.

It will be readily understood by those skilled in the art that the ventilation slot may be located at any side (front, rear or both) of the device implementing its heat dissipating function.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the ventilation slot, as taught by Lowell et al. for the device of Wedell et al. in order to dissipate the heat from the light source.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378) in view of Gampee et al. (US 5,707,144).

Wedell et al. disclose the instant claimed invention except for a spring arrangement urging the window panel away from the housing to obtain a slot.



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Gampee et al. disclose (Figs. 1, 3A) a lamp housing having a springs [7] (col.2, lines 55-63; claim 4) obtaining a slot [6] between a cover [5] and housing [2].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the spring arrangement urging the window panel away from the housing, as taught by Gampee et al., for the device of Wedell et al. in order to obtain a slot that can be used for ventilation an interior of the light fixture.

Claims 19, 20, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. (US 6,419,378) in view of Eagan (US 5,568,965).

Wedell et al. disclose (Fig. 1) a partition (not indicated by number) transverse to the housing top.

Wedell et al. disclose the instant claimed invention except for a switch compartment having removable bottom cover.

Eagan discloses (Fig. 3) a switch compartment [12] having removable bottom cover [24] (col.2, lines 51-55) in order to obtain an access to the compartment and prevent the user from contact with electrical parts located inside of the compartment. Since Eagan discloses a switch button mounted on the side wall of the compartment, it will of course be understood for those skilled in the art, that the switch button may be mounted at any desired place of the compartment, what is a matter of design choice, because does not change functionality of the switch.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the switch compartment, as taught by Eagan, for the device of

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Wedell et al., in order to obtain an access to the compartment and prevent the user from contact with electrical parts located inside of the compartment.

Claims 27, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wedell et al. and Eagan as applied to claim 19 above, and further in view of Guritz et al. (US 4,811,183).

Wedell et al. disclose the instant claimed invention except for a transformer disposed in a switch compartment.

Guritz et al. disclose an electrical transformer disposed in a switch box (col. 4, lines 26-28). As well known in the art, the transformer is used for regulation of the voltage in a circuit.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the electrical transformer in a switch compartment, as taught by Guritz et al., for the device of Wedell et al., for the purpose of the voltage regulation.

*Allowable Subject Matter*

Claims 11-17, 26, 33-36, 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 11 the prior art of record fails to show a light fixture including a window panel having two opposite sides between the front and rear edges and a front pin and a rear pin on each of these sides, each of the pins being captive in a corresponding slot in the housing, the front pin being slidable in the corresponding slot for freeing the front pin through an

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open forward end thereof thereby to release the panel for movement about the rear pin to the open condition.

Claims 12-17 are objected as claims depended on claim 11.

Referring to Claim 26 the prior art of record fails to show a light fixture having a plurality of translucent window panels each supported to the housing under a corresponding the reflector and each independently releaseable for movement between a closed and an open position.

Referring to Claims 33 and 34 the prior art of record fails to show a light fixture wherein a rear compartment has a middle wall and a bottom.

Claims 35 and 36 are objected as claims depended on Claim 34.

Referring to Claim 44 the prior art of record fails to show that rear compartment is an upward facing concave portion.

Claims 45-53 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 45 and 50 the prior art of record fails to show a light fixture housing having a downward facing concave top section joined to an upwardly facing concave rear section.

Claims 46-49 are allowed as claims depended on Claim 45.

Claims 51-53 are allowed as claims depended on Claim 50.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.  
July 7, 2005

  
ALAN CARIASO  
PRIMARY EXAMINER

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